

REMARKS/ARGUMENTS

In the Official Action, the Examiner sets forth a two-way Restriction Requirement, asserting that Claims 1-8, which the Examiner identifies as Group I, are directed to a materially different invention than are Claims 9-20, which the Examiner identifies as being Group II.

The applicant hereby provisionally elects the claims of Group I (Claims 1-8) for initial examination in this application.

However, the Examiner is respectfully requested to reconsider the Restriction Requirement since it appears that the Examiner has misclassified the claims of Group II. In particular, the Examiner asserts that the claims of Group II are directed to a method of detecting hydrogen. However, independent Claims 9 and 15, for example, are clearly directed to a "method of automatic beam energy control." While the method may include the measurement of hydrogen content as a part thereof, it is noted, in a similar vein, that Claim 1, the independent apparatus claim includes a "measurement apparatus measuring" ... "hydrogen content" and therefore the mere fact that the method claims include measuring hydrogen content does not appear to be a sufficient reason for making the Restriction Requirement.

Reconsideration is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Response to Official Action
Dated August 30, 2006
Re: USSN 10/751,238
Page 3

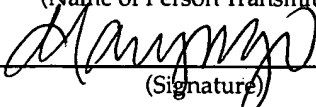
I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

26 September 2006

(Date of Transmission)

Mary Ngo

(Name of Person Transmitting)



(Signature)

26 September 2006

(Date)

Respectfully submitted,



Richard P. Berg
Attorney for the Applicant
Reg. No. 28,145
LADAS & PARRY
5670 Wilshire Boulevard,
Suite 2100
Los Angeles, California 90036
(323) 934-2300 voice
(323) 934-0202 facsimile